

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
NOVEMBER 19, 1996**

The one thousand seven hundred and fifty-fifth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,  
Mayor  
Rick Farley

Jean Schreiber  
Rob Kappa  
Don Trotter

Also present:

Dan Bartlett,  
City Manager  
Paul Elsner,  
City Attorney  
Charlene Richards,  
Assistant to the  
City Manager  
Maggie Collins,  
Community Development  
Director

Linda Mullen,  
Neighborhood Services Coordinator  
JoAnn Herrigel,  
Program Services Coordinator  
Jim Brink,  
City Engineer  
Ruthanne Bennett  
Civil Engineering Assistant

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Unified Traffic Management Plan**

**Bartlett** presented the staff report on the Neighborhood Traffic Management Program (NTMP). The Gantt Chart was prepared in response to Council's request to develop a tracking and measuring system for the elements of the project. He reviewed the elements of the draft program and explained the importance of the first task to the success of the entire plan. The first task elements were: staff development of policy, goals, and objectives; Traffic Safety and Transportation Board review; and finally City Council approval. The subsequent tasks were: develop NTM procedures; 1996 - 1997 project construction; 1998 - 1999 project lists; 1998 - 1999 project construction; and the School Trip Safety Plan.

He reviewed the relationship of the projects to the CIP and the discussion being held with the School Board to determine areas of partnership and responsibility. Some of the School Trip Safety Program elements will be completed by March while others will be more long term. For example, City staff is looking at installing the flashing yellow beacons this year.

**Councilmember Farley** asked for clarification of the short vertical lines on page three of the chart. **Bartlett** said ID #43, for example, indicates installation of the flashing yellow beacons. In other instances, the lines indicate a dependency on other elements such as the NTMP.

**Councilmember Farley** asked why there were no rolled-up milestones. **Bartlett** said it was very early in the project management system, and the rolled-up milestones have not been included at this time.

**Councilmember Kappa** referred to task #44 -- "traffic calming on 32nd Avenue." He thought the criteria for speed humps was already part of the process. **Bartlett** said there was a statement on how to consider speed humps, but the criteria were not adopted. In this example, staff is not necessarily sure speed humps are the solution for the neighborhood.

**Councilmember Kappa** asked about the process for raised school crossings. **Bartlett** said the criteria have not been approved. Staff will be reviewing the projects with the Transportation Safety and Transportation Board (TSTB) to recommend project priorities.

**Councilmember Kappa** asked if raised cross walks meet any kind of ADA or CDBG requirements. **Bartlett** said they did not.

**Bartlett** pointed out the article included in the packet regarding a moratorium on speed hump construction in the City of Portland. Staff is in dialogue with the TSTB to sustain both engineering principles and neighborhood livability. He discussed the positive impacts of photoradar which include reduction of speeds and neighborhood cut-through traffic.

**Councilmember Kappa** added he felt the narrow street design has a positive influence on traffic calming.

**Councilmember Schreiber** said she had assumed these were approved projects, but they are actually issues under study. She recommended the City be sure to communicate with the public that these are under consideration at this point in time.

**Councilmember Trotter** said the information helped clarify the time frames and provided information on the appropriateness of projects to the situation. He asked if this chart with a cover letter would be sent to the groups involved in suggesting the projects. **Bartlett** said staff intends to meet with the neighborhood associations and the school trip safety groups on a regular basis to share information. **Councilmember Trotter** concluded his remarks by saying he felt this was a good proposal, and it is important to let residents know what the City is doing.

**Councilmember Kappa** asked if this plan would be discussed with the School Board. **Bartlett** said the draft plan and other issues will be discussed with the Board at the December 3, 1996, City Council work session.

### **Flood Update**

**Mayor Lomnicki** asked for an update on the rains and flooding in the City.

**Bartlett** reported worse flooding on Johnson Creek than during the February 1996 flood event. He activated a local 24-hour incident command with the Public Works crews to make sandbags available for pick up, to pump certain locations, and to monitor bridge locations. Residents on Johnson Creek and Kellogg Lake are taking their normal precautions.

**Councilmember Trotter** asked how the City was notifying people of the availability of sandbags. **Bartlett** said there have been television and radio announcements in addition to information on proactive and remedial actions.

**Councilmember Farley** asked when Johnson Creek was expected to crest. **Bartlett** said sometime early Wednesday morning.

### **Property Acquisition**

**Bartlett** announced the acquisition of a small parcel near the trestle on McLoughlin Blvd. The purchase was made with Metro Greenspace funds in the amount of \$17,560.

### **CONSENT AGENDA**

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to approve the Consent Agenda which consisted of the following: liquor license application for Pisces Restaurant and City Council minutes of November 5, 1996. Motion passed unanimously.**

### **AUDIENCE PARTICIPATION**

None.

### **PUBLIC HEARING**

None scheduled.

## **OTHER BUSINESS**

### **Approve 1996 - 1997 Waste Reduction Plan and Receive Challenge Grant Funds -- Resolution**

**Herrigel** presented the staff report in which the City Council was requested to consider adopting a resolution approving the 1996 - 1997 Annual Waste Reduction Plan activities and authorize the City Manager to sign an intergovernmental agreement with Metro. The amount of the challenge grant funds was \$9,264 to assist with implementation of the tasks. This is the seventh year of the program.

**Councilmember Kappa** referred to page 16 of the packet material and asked for more information on the Building Industry Foundation. **Herrigel** said there are no solutions for recycling building materials at this point.

**Councilmember Kappa** referred to page 17 of the packet material regarding clients "glazing over" when it comes to waste reduction. **Herrigel** said staff is looking at making waste reduction the first element of the evaluation with commercial customers.

**Councilmember Trotter** pointed out the agreement indicates a beginning date of July 1996 and asked if that was appropriate. **Herrigel** said it is based on the fiscal year, and she has already begun the work.

**Councilmember Farley** asked why the annual allocations fluctuate. **Herrigel** said the amount is determined by the Metro Council. There may, for example, be more entities vying for funds.

**Councilmember Farley** asked if the amount of the grant is based on performance. **Herrigel** said in some ways that was correct, but it also depends on what the City agrees to do.

**Councilmember Kappa** said he would like some history about Metro's policy and process in the next report.

**Councilmember Schreiber** commented she felt it was important to encourage people to maintain and repair goods rather than simply replace.

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the resolution adopting fiscal year 1996 - 1997 annual waste reduction plan. Motion passed unanimously.**

## **RESOLUTION 40-1996:**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING FISCAL YEAR 1996 - 1997 (YEAR SEVEN) ANNUAL WASTE REDUCTION PLAN.**

#### **Community Development Block Grant Projects -- Resolution**

**Mullen** presented the staff report in which City Council was requested to adopt a resolution supporting the City and Parks District Community Development Block Grant applications for the 1997 - 1999 funding cycle. Block grants are federally funded and administered by Clackamas County. In order to be eligible, projects must benefit low- and moderate-income residents, and she indicated such areas on a City map. In each case, the City of Milwaukie is responsible for a 20% funding match.

Staff reviewed the School Trip Safety project recommendations and developed a list of sidewalk, curb, and drainage projects in the Ardenwald and Campbell neighborhoods. The five projects are: SE 42nd Avenue between Monroe and Washington; SE Washington from 37th Avenue to the 4300 block; Olsen between 42nd and 32nd Avenues; 37th Avenue between Monroe and Washington; and 37th Avenue between Harrison and Monroe. Additionally, there is an application to install sidewalk ramps at various locations particularly near schools, parks, and public facilities.

**Mayor Lomnicki** asked for clarification of the eligible areas. **Mullen** said 51% or more of the residents must be low to moderate income. **Bartlett** added the data is collected from the census.

**Councilmember Farley** said there is a care facility near 42nd and Roswell he felt was badly in need of sidewalk ramps for the handicapped. **Mullen** said the City of Milwaukie is trying to install ramps on existing sidewalks and added Roswell Street is north of the eligible area.

**Mullen** said Milwaukie is also supporting two projects on City-owned property being proposed by the Parks District. These are adding a mechanical lift to the Milwaukie Center stage for ADA compliance and development of Furnberg Park in the Linwood neighborhood.

**Councilmember Kappa** asked how the in-house funding would be justified. **Bartlett** said the City share would come from the storm water utility and in-house engineering services. Milwaukie does not want to make street and sidewalk improvements without addressing drainage.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the resolution supporting City and Parks District Community Development Block Grant applications for the 1997 - 1999 funding cycle.**

**Councilmember Trotter** complimented staff for creatively suggesting projects to support both the School Trip Safety Program and the Transportation System Plan.

**Councilmember Kappa** asked if this was a three-year funding cycle. **Mullen** said that was correct. If there proves to be unused CDBG funds, staff may be able to re-submit some projects.

**Councilmember Farley** indicated his support of staff's proposed projects, but he was very concerned about sidewalks for the disabled housing unit on Roswell.

**Motion passed unanimously.**

#### **RESOLUTION 41-1996:**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE SUBMITTAL OF PROPOSED PROJECTS FOR COMMUNITY BLOCK GRANT FUNDING.**

#### **Authorize Letting Bids for Storm Water Projects**

**Brink** presented the staff report in which the City Council was requested to authorize the Public Works Department to let bids for two projects: storm line replacement on Washington Street east of 32nd Avenue and to replace and extend the storm line on 33rd, 34th, and 35th Avenues south of Washington; and construction of a storm line on Monroe Street from 40th Avenue to 37th Avenue.

**Bennett** discussed the projects on 34th and 35th south of Washington. The original budget was \$20,000, but staff determined the existing pipeline that would serve the new project was undersized. This proposal increases the size of the pipes that serve the area bringing the cost to \$130,000. The project includes replacing 2400 feet and constructing 400 feet of storm line with catchbasins and manholes.

**Mayor Lomnicki** commented both projects being presented had been discussed during the work session.

**Councilmember Farley** asked if there would be much disruption to traffic if the project is implemented. **Bennett** said there may be some slowing or brief interruptions.

**Councilmember Farley** asked when construction would begin. **Bennett** said, at this point, staff projects construction could start as early as January.

**Bennett** continued the report by describing the 40th Avenue storm line extension. She noted 800 feet of storm line with catchbasins is proposed on Monroe between 37th and 40th Avenues.

**Councilmember Kappa** asked what the benefits would be. **Bennett** said surface water has contributed to local flooding icy streets, and sidewalk, curb, and retaining wall damage.

**Councilmember Schreiber** asked the funding source. **Bennett** said these funds are available in the General Storm Projects budget. **Bartlett** added these projects were identified as ones that would solve a community problem.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize the Public Works Department to let bids for the 34th and 35th storm line construction and the 40th Avenue extension storm line construction. Motion passed unanimously.**

### **Model Bylaws Review -- Planning Commission**

**Collins** presented the staff report in which the City Council was requested to consider recommendations from the Planning Commission concerning its draft model bylaws. The Planning Commission made these recommendations in August. She discussed the proposed amendments based on the Commission's existing bylaws and language felt to be constructive due to the quasi-judicial nature of the group.

**Councilmember Trotter** said he was a member of the Planning Commission when these bylaws were adopted and he felt they were appropriate and valuable to orderly conduct of Planning Commission meetings.

**Councilmember Kappa** referred to Article VI.F and asked how the Planning Commission chair or vice-chair shared information gained from the Community Development Director with the rest of the Commissioners. **Collins** said it is normal procedure for the Chair to confer with the department and share information with the Commission.

**Councilmember Kappa** and **Mayor Lomnicki** expressed concern that Article VII.A -- *Duties of the Commission* be part of the bylaws rather than be included as an operating guideline.

**Councilmember Trotter** felt the concern about how people were addressed during the meeting was valid and should be included in the bylaws.

**Mayor Lomnicki** said he did not care for the language. **Collins** suggested striking the first line of the section.

**Councilmember Schreiber** asked for clarification of Article VI.A.2 regarding the Chair's summarizing the issues and criteria. **Collins** said the purpose was for the Chair to help focus the Commissioners on what has been heard and where discussions need to begin.

**Councilmember Schreiber** felt this was specific and might give rise to the need to outline other procedural issues.

**Mayor Lomnicki** said staff should be responsible for making sure certain issues have been addressed. The Planning Commission Chair is helping the group focus.

**Collins** suggested adding language that this would be done at closure of the public testimony portion of the hearing. She pointed out the hearing process is printed on the back of the agenda.

**Councilmember Kappa** indicated his support of these suggestions.

**Councilmember Farley** asked about the reference to reasonable time limits. **Collins** said there have been times when setting time limits for testimony might have better served the public purpose.

**Councilmember Farley** suggested rephrasing some of the sections.

**It was moved by Councilmember Trotter and seconded by Councilmember Kappa to accept the recommendation of the Planning Commission as modified.**

**Mayor Lomnicki** asked if he was correct in assuming in Article VI.D the chair appoints commissioners to projects or committees within the Planning Commission work plan. **Collins** said that was correct and added the Planning Commission was working on its 1997 work plan.

**Councilmember Kappa** asked the procedure when Commissioners are working with volunteer organizations. **Collins** said the Planning Commission does not have this authority but hoped these kinds of proposals would be brought through the chain of command.

**Motion passed unanimously.**

#### **Amend Purchase Order with City of Portland for 800 MHz Access Fees**

**Bartlett** presented the staff report in which the City Council was requested to authorize an amendment to blanket purchase orders for the City of Portland 800 MHz access fees for an additional amount of \$6,872. The City of Portland did a cost study that increased the cost from \$20 to \$24.50 per radio. This amount is beyond his authority, and City Council authorization is required.

**Councilmember Farley** asked if there could be additional increases in the future. **Bartlett** said this is an enterprise fund, so an increase in the number of users may cause a decrease in fees.



**Councilmember Kappa** commented this was not included in the original purchase order request. **Bartlett** responded the City of Milwaukie signed a contract saying it would pay the City of Portland's charges. The City issues a purchase order based on the previous year's charges. Users are not informed of any new rates until cost findings are completed.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize an amendment to blanket purchase orders for the City of Portland 800 MHz access fees for an additional amount of \$6,872 for a total of \$37,632. Motion passed unanimously.**

## **INFORMATION**

**Councilmember Trotter** discussed the purchase of the Daniels' property and Planning Commission discussions with ODOT regarding pedestrian access to McLoughlin Blvd.

**Bartlett** announced the Milwaukie, Happy Valley, and Clackamas County joint work session to discuss the Town Center Plan on November 20 at Happy Valley.

**Councilmember Kappa** asked Bartlett how many PTO's he would meet with to discuss the School Trip Safety Program. **Bartlett** said staff has met with four so far, and there is an ongoing plan to meet with each PTO annually. **Councilmember Farley** and **Bartlett** discussed meeting with St. John's School.

**Councilmember Kappa** said there were both audio and video problems on the cable access channel. **Bartlett** said Jones Intercable was working on the problem, and he suggested General Manager O'Leary be included in an upcoming work session to make a report to Council.

**Mayor Lomnicki** adjourned the meeting at 8:35 p.m.

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Pat DuVal, Recorder/Secretary